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Executive Registry

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13 November 1984

MEMORANDUM FOR: Director of Central Intelligence
Deputy Director of Central Intelligence

FROM : Executive Director

SUBJECT : November Initiatives

1. As promised this morning, here are three papers on: (a) improving the Agency-PFIAB relationship, (b) improving the Agency-Congressional relationship, and (c) more fundamental changes in the oversight process itself.

2. This exercise was undertaken against the possibility that we might have a "window of opportunity" in the next month or so which might allow constructive changes.

3. In general, my sense is that we haven't discovered anything totally new to deal with a set of well understood problems. But the three papers do cover most of the issues, and they may furnish a basis for further consideration.

4. The crucial question would appear to be, "what can we do to create a climate in which ideas to improve the oversight process might be accepted?" It makes sense to me to try to separate any discussion of these issues from the pamphlet affair.

5. I am sending copies of this package to the Deputies, Chuck Briggs, and Stan Sporkin in hopes that we might get a few more ideas on the table. Obviously we are prepared to meet with you to discuss this question further if you wish.

James H. Taylor

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cc: DDA
DDI
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DDS&T
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EASING THE PFIAB-AGENCY RELATIONSHIP

The problems presented to senior Agency managers and others by the PFIAB are minor compared to those we experience from the Congress. It is, however, noteworthy that few of our senior people see the PFIAB as terribly helpful. Whether that results from the reality of the situation or our lack of perspective is a conclusion you can draw. The collective memory of many of our senior people about the PFIAB in past years is that it was useful to us--helping to build support for needed programs or helping to accomplish bureaucratic goals. Whether or not that was the reality, our memory of the past helps to condition our view of today's PFIAB.

In part too our view of PFIAB derives from our sense that its members focus much attention on CIA while doing relatively little with others in the Community. This may not objectively be the case, but it is the perception. Given our central role in intelligence it is perhaps understandable.

There is also a sense that PFIAB spends much of its energies on problems and how to fix them, instead of thinking about opportunities and how to take advantage of them. Perhaps today's group too closely resembles an oversight committee, asking us for briefings on our problems, then using our words to tell us what is wrong. The Board needs to focus its attention on the longer term - where national intelligence will be or ought to be in the 1990's, challenging us to think about new ways of doing business or solving problems. The leak problem, cover, reciprocity, basic security and other issues all present themselves as possible areas of concern.

Finally, there is the question of the size of the PFIAB, its "political" as opposed to "professional" character and, frankly, its lack of bipartisanship. A more "professional," less "political," group might be more useful to those of us in the Intelligence Community as well as the President.

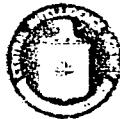
In comparison to the difficulties we expect will attend any effort to get Congress to change the way it does business, some fairly modest changes in the composition and general outlook of the PFIAB might be achievable. The President can tell the group what he wants from them. There is, of course, no question that the PFIAB works for the President, not for us. But, wouldn't he be better served by a group with a different focus? The changes we have in mind include:

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- an effort to reduce the membership sharply;
- increasing the professional as opposed to the political character of the group; and, most important,
- efforts to raise the group's sights from identifying problems to agenda setting.

Our sense is that you have the best sense of how to go about achieving these goals.

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Deputy Director
for Administration

14 September 1984

NOTE FOR: Executive Director

Jim,

Like your first paper, this seems to say it all. I do question whether we have any good evidence to support the perception discussed in paragraph two. Has anyone discussed PFIAB activities with other agencies to get a feel of their interaction with the Board?

Other than the above, "right on."

Harry

Attachment

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Comments on EXDIR's Draft re PFIAB

We heartily endorse the third of the EXDIR's suggested changes for PFIAB, viz., that "efforts (be made) to raise the group's sights from identifying problems to agenda setting." Problems of the intelligence community will, however, invariably surface as the PFIAB goes about its work. We would suggest that PFIAB consider whether adequacy of resources, or perhaps allocation of resources among various intelligence agencies, is a major component in such problems. If so, the PFIAB would be a logical organization to recommend the mix of resource allocation to various agencies to seek to overcome those problems.

S E C R E T

DDS&T concurs with paper on "Easing the PFIAB-Agency Relationship."

CENTRAL INTELLIGENCE AGENCY



Director, Office of Legislative Liaison 12 September 1984

NOTE TO: EX DIR

SUBJECT: ExCom Initiatives - PFIAB

Jim:

Your draft is right on target: PFIAB does "oversee" and micromanage too much; it was very helpful in the past (cf. Din ~~Lund~~ and early 60's S&T, for example); it is too big.

I agree also that the President would be best served by a more politically balanced PFIAB as he is by an apolitical CIA.

Granted that Bill Baker has his idiosyncrasies, he has been very supportive of Agency/Community ADP-Teleprocessing developments. We do not have sufficient in-house expertise to size the Community future in that area and the Agency's role in it.

A rectangular box used to redact the signature of Charles A. Briggs.

Charles A. Briggs

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IMPROVING AGENCY-CONGRESSIONAL RELATIONSHIPS

A problem which affects all of our senior people, with varying impact during the year, is the continuing high volume of Congressional information requests. While we are anxious to meet all legitimate needs, the process that has evolved lacks structure or discipline. There have been times when Congressional information requests seem almost to constitute harassment, in terms of their volume, tone and repetitiveness. It's important to note that changes to help with this situation could serve both us and the Congress. Senior Agency people might work to communicate more effectively if the terms of our dialogue with the Hill were seen as fairer. And important points might not get lost in the shuffle as they have on more than one occasion. That the overall situation has deteriorated considerably, however, is evident when we compare the situation ten years ago--when we dealt with a very small number of cleared staffers--with the situation today.

For some, the creation of a Joint House-Senate Committee has offered a possibility for making this and other aspects of the oversight process more manageable. The creation of a Joint Committee offers the hope that today's rules could be rewritten to produce a more satisfactory relationship. All agree that CIA should not play an active role in promoting a Joint Committee. More fundamentally, however, we are inclined to believe that there are budgetary and other advantages to us which flow from the present dual Oversight Committee structure and which would be lost were there to be a Joint Committee. On the other hand, a debate about the creation of a Joint Committee could offer us and the Administration an opportunity to surface some proposals for helpful changes in the way the oversight process is administered.

We have four very straightforward ideas for changes in Congressional operating procedures whose implementation would, we believe, both increase the quality of our dialogue with the Congress and reduce the volume of the workload presently imposed on us:

1. An end to the designee system in the Senate Select Committee whereby each member of the SSCI is, himself, allowed to name one staffer who will work for him on intelligence matters.
2. Procedural changes within the Committees to force review by the Committee, or at least its Chairman, before a request is levied on us for papers, substantive briefings, investigations and the like.
3. Some practical limit on the size of the staff available to each Committee, say ten per Committee.
4. Rule or language changes which emphasize the responsibility of the Oversight Committees, given the sensitivity of the information they receive, to act effectively as surrogates for the whole Congress, and to take responsibility for certain intelligence-related issues over which other Committees sometimes seek jurisdiction.

As to the question of packaging these ideas so that they would find useful support, one approach could be to have these proposals come from the President in a larger context, perhaps including such thoughts as continuing commitment to budgetary

support for the Intelligence Community; help in dealing with the leak question; and limited or total relief from FOIA. Another approach might be to work quietly behind the scenes, possibly through the Vice President, on a similar or narrower agenda. Or perhaps we should seek help from someone in the Congress who could carry our message for us. Obviously our tactics should be carefully tailored to developments after the election and to an assessment of what is most likely to be effective. Clearly how the ideas are presented will be very important to assuring their eventual success. Our emphasis should be on improving the quality of our dialogue, not on scaling back on sharing information.

The question arises: are there changes we would be prepared to make if we could persuade Congress to make the reform above?

Areas we might expect to consider include:

- the extent to which we anticipate Congressional interest in a topic, and move to deal with it before being asked;
- how effectively we integrate various internal views of some issues before they are presented on the Hill;
- how effectively we integrate our views with those of others in the Intelligence Community before we express them on the Hill; and
- most particularly, how much information we are willing to share on certain sensitive substantive, operational, or bureaucratic problems.

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Deputy Director
for Administration

10 September 1984

NOTE FOR: Executive Director

Jim,

Your paper "Improving Agency-Congressional Relationships" appears to me to say it all. I've reflected on it hoping something brilliant would come to mind to improve it, but, like my usual luck, nothing has happened that would enlighten either of us.

I think the paper is very well done!

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Harry

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ED 84-1375/1

MEMORANDUM FOR: Executive Director

FROM: Clair E. George
Deputy Director for Operations

SUBJECT: DO Response to Congressional Relations
Initiatives

REFERENCE: Memorandum entitled Improving Agency-
Congressional Relationships, dtd 6 Sep 1984

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1. The initiatives addressed in the referenced proposal would all significantly aid in alleviating what often appears to be a chaotic process. The item yielding the greatest potential for improving our relations and responsiveness to Congress would be the institution of a focal point in HPSCI and SSCI to screen inquiries coming to the Agency. If any priority is assigned your initiatives, the DO suggests that this be made the number one issue. The benefits accruing from adoption of this change are obvious.

2. More careful definition of the responsibilities of the committees would also provide welcome relief from the seemingly all-encompassing nature of the types of inquiries coming to the DO. It occasionally appears that the Agency and DO serve as a research center for any questions regarding international affairs which cross the minds of the members or staffs of the committees. I realize there is little chance that any change in this area may be accomplished; however, the potential benefits to be gained suggest that an effort along these lines would be worth pursuing.

3. Our capacity to accomplish the actions suggested for Agency reciprocation would be immediately affected by the adoption of these actions or any of the others mentioned in your memorandum. The DO endorses your effort and hopes for any measure of success.

Clair E. George

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DDS&T concurs with the paper on "Improving Agency-Congressional Relationships."

13 September 1984

NOTE FOR: Executive Director

VIA: Director, Office of Legislative Liaison

FROM: Deputy Director, Office of Legislative Liaison

Jim:

Thoughts on your paper "Improving Agency-Congressional Relationships."

- Drop last sentence of first paragraph. It is a negative thought which the paper does not need.
- Under paragraph three of the four straightforward ideas, I would drop number one as being a loser--a Senate prerogative--and I would change number two from seeking an internal committee procedure to seeking a bilateral procedure between us where we could appeal any staff or Member abuse of the relationship and so could they.
- Number three is a good idea which we should try for.
- Number four is also something we must attempt to define better than has been done so far.
- We have additional points that need consideration as follows:
 - Access to very sensitive files. We need some firm rules as to who sees what under what conditions.
 - We need to at least think about, and possibly work out, a procedure for non-notification--letting them know when we cannot tell them something.
 - We need to strengthen our rules on what will/can be provided in writing--what will be oral--what is operational--what is intelligence and on response timing.

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The previous two papers dealt with the PFIAB and the Congress. A question is whether there is enough concern about some of the problems which characterize the oversight process as it has evolved in recent years to support a more comprehensive and far reaching proposal to change the present ground rules.

The issue might be stated this way:

- Although we aren't perfect, most of us believe we have worked hard to keep the Congress adequately briefed, to anticipate their needs, and to try to build support for our programs. Despite this effort, we too often find ourselves in highly political debates and by inclination, training and intellect, find them distasteful and handle ourselves badly in that milieu.
- The HPSCI rarely seems willing or able to represent our interests with other committees--leaving us too often on our own or on politically difficult ground. In effect, the HPSCI has been unable to act as a surrogate for the whole House, the very essence of oversight from the Executive Branch's point of view. Then, the very CIA officers who are unskilled in the political world are forced to carry the banner into the Congress at large.
- The Senate Select Committee has done a much more effective job of functioning as a surrogate for the whole Senate. But we witness a distressing tendency by some to use SSCI membership as a platform from which to ascertain classified facts then release them to the media. Over the long-term, this trend has very serious implications, serving to weaken the resolve of more responsible members and undermining Executive Branch efforts to get on top of the leak situation.
- In both Houses, we seem under steadily increasing pressure to share "sources and methods" information with Members and staffs about our activities. To an increasing degree, it seems our credibility can only be established if we are willing to share every secret we have. This is damaging to the institutional psyche, at the very least.
- Particularly in the Senate, there seem to be few constraints on staff behavior; or certainly it is true that the staff has been much more disciplined in the past than it is today. In day-to-day terms, this means that too many Senate staffers feel free to pursue with us what often appear to be their own interests, without central control or review by responsible Members.
- Too few people outside the CIA, except the President and the Vice President, seem able or willing to defend in public the Agency or its conduct. Our own attempts at

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defending ourselves appear self-serving, certainly to the media; and in any event, we are in a very awkward position as we attempt to defend both our honor and our secrets.

Most of these unfortunate trends seem to have developed during a period when we together faced some controversial issues. Indeed we have reason to wonder whether there can be reasonable congressional oversight if the Executive Branch is attempting to use the CIA and its authorities for anything other than intelligence collection. And the problems don't entirely follow party lines: some Democrats have been very reliable friends; some Republicans have not supported us.

Two kinds of steps might produce a more manageable arrangement. First, we might take steps to spread the responsibility for the most contentious programs we operate, those dealing with paramilitary activities, around a bit more within the Executive Branch. Defense and State could assume a larger role; our role might be limited in scope or in size. Mindful of the practical problems that would attend actually doing this, such as--for example--seeking legislation to expend DOD authority for paramilitary activities, a real liability of such a general approach is the amount of bureaucracy that would be built into the future decision-making process. (John Stein disagrees: What we need is for them to be the advocates--to fight legislative battles and for us to be executors only.)

Second, the President might attempt to shift the balance of power more toward the Executive Branch, perhaps by moving some of the real authority for oversight into the Executive Branch. He might create a small office in the Executive Office including but recasting the functions carried out by the PIOB and PFIAB. This office might be made up of five to seven distinguished Americans supported by a couple of staffers. The group could be required by Executive Order to review certain kinds of high sensitivity issues on a regular basis, and it might even report in a very formal and sanitized way the results of its deliberations to Congress and the public--not greatly different from what the SSCI or the HPSCI do now from time to time, but adhering to our (or the President's) security and disclosure guidelines. The kinds of issues it might be empowered to review in an ongoing way might include some which over the years have been continued sources of debate--covert action and actions with respect to US persons come to mind. (This panel could, as an alternative, be created by Congress. It would have full access to CIA, etc., but be relieved of having to face the voters--the single issue which drives the political members of the Oversight Committees to play fast and loose with CIA and its activities. - J. Stein)

The trick, of course, would be to get Congress to give up its direct role in some of its oversight responsibilities as the new group assumed a larger role; certainly this would be a challenging task. It is also essential; we don't need yet

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another oversight body layered into the system. Possibly the
members of the reconstituted PFIAB could serve for a six-year,
overlapping term, appointed with advice and consent of the
Senate.

Perhaps more to the point, is it possible that tabling such
a proposal publicly might help us achieve some of the specific,
but less sweeping, substantive changes in the oversight process
we seek?

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DDA 84-3174/4

1 November 1984

MEMORANDUM FOR: Executive Director

FROM: Harry E. Fitzwater
Deputy Director for Administration

SUBJECT: Congressional/PFIAB Relationships with the Agency

REFERENCE: EXDIR note to DDs dtd 25 Oct 84 re same subject
(ER 84-9630)

Following are random comments on your paper regarding congressional oversight and PFIAB:

a. Congressional Oversight

(1) The Executive and Legislative Branches' power relationships follow long-term cycles that depend on the personalities and power of individuals within these branches at a given time. Regardless of the cyclical nature of the system, it is doubtful that the Agency can ever turn back the congressional clock to the relationship that existed circa 1950/1960. Neither is it likely that Congress would ever consider giving up oversight totally to the Executive Branch or an independent body. Some modification of the oversight machinery may be possible, e.g., reducing the size of the staffs, but even that will be difficult to accomplish without strong support from Congress itself.

(2) Instead of trying to deal with the problem by attacking it on the congressional side, perhaps we need to look at ourselves. Maybe our efforts would be better utilized if we tried to build a long-term credible relationship with Congress which does not compromise secrets and which permits Congress to endorse Agency actions while keeping hands clean for constituency relations. This is easier said than done.

(3) As you are aware, a common congressional reaction has been "If we don't ask the questions, you won't give us the answers." With that mind set, Congress, and particularly the staffers, protect

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their own skins, and feel they must ask all the questions they can to make sure they are able to respond to their masters. This must be turned around and can be with time. We have heard the complaint that different Agency testifiers will give different answers to the same question? We have all been frustrated on this point. The situation must be improved. We must begin the reform process by asking ourselves some tough questions. Are we properly organized? Are our presentations properly coordinated? Are we adequately candid, or does the "if we don't ask, we don't know" charge have some validity?

(4) If we are to make proposals for congressional change, it might be advantageous to say we have made the changes on our own. That can create a cooperative rather than a competitive spirit.

(5) We are going through a very unusual era driven by the current situation [redacted] Some would say that heretofore the congressional oversight process has worked pretty well. Are we witnessing an incidental anomaly or a long-term worrisome trend. The paper assumes the latter. Is that a fair assumption? If not, then it should be possible to re-establish the trust that existed prior to the Central American aberration? That will require action on both sides.

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(6) John Stein is right on page 2. An historical venue is illustrative. When [redacted] started, State was the advocate and handled all the policy testimony. We were the executors, as John Stein states. We described what we were doing to support State and the State policy. Now it appears that we have deviated somewhat from that successful formula and that, in defending the execution, we, in effect, have begun defending the policy itself.

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(7) We should resist suggestions that covert action activities be spread around. The reality is that the sources we use for collection are frequently the sources used for various covert action, including those that develop into paramilitary programs. Divided management would lead to chaos.

(8) What this Agency needs is healthy and vigorous congressional oversight. Establishing a new Executive Branch or outside oversight group, by legislation or executive order, appears to be a bad idea. Ultimately, the representatives and senators must be held accountable by their constituents for the conduct of the U.S. Government. They cannot, and indeed, should not, abdicate that responsibility to an outside body. They have to vote on the budget. To vote, they must be informed. Sending the information through a third party only risks further confusion.

(9) In sum, we want the status quo ante. To figure out how to get there, we have got to first take a hard look as to how we lost our way. If we can identify those problems, the solutions may

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present themselves. Effective liaison with Congress must begin at the top. If Admiral Inman did anything right, that was it. He enjoyed tremendous success and was able to inject himself into the system that benefited the entire Intelligence Community.

(10) Possible actions are as follows:

(a) Hire a few experts as assistants to Chuck and Ed who have had congressional experience. Fred Hitz was an individual who seemed to understand the mystic and subculture of the system. Individuals who have had experience as lobbyists might be considered.

(b) Establish a credo for guidance as to who goes to the Hill and how liaison will be conducted. This credo should insist on briefers being candid, honest, and with no bravado. If we don't know the answer, don't wing it. There should be mandatory sessions before any briefing on content, procedure, protocol, etc. Chuck or Ed should be given total control for liaison with Congress. They should insist on briefers doing their homework and that they have the facts bearing on the problem. The briefers need to be impressive people and not just anyone who comes along or is immediately available.

(c) We should seek to polygraph the staffers. We could then be more comfortable with the security of information being provided and there would be less likelihood of games being played between the Agency and Congress. There would be more tendency for candor on our part.

(11) How the Congress does its business will always be troublesome and be with us. We believe we do have the right to insist on the number of individuals briefed on a sensitive operational activity being held to a minimum. Therefore, reducing the number of staffers should be accomplishable and the main thrust of our effort.

(12) Finally, it should be noted and stressed that most of this Agency's problems with legislative liaison and legislative oversight have related to covert action matters. The question that begs for an answer therefore is: Does the fault lie with the legislative liaison machinery and practitioners or rather with the covert action apparatus and operators?

b. PFIAB

(1) This Directorate has very little interface with PFIAB, so it is hard for us to judge their utility or whether their modus operandi is good or bad. We have briefed the Board on some issues,

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i.e., the Reserve, retirement, use of the polygraph, and leaks of classified information. [redacted]

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[redacted] has been very helpful to the Agency. Of course he is only an individual member and probably this is not a good example to use. It does seem that some of the individuals on the Board, as individuals, could be helpful. Perhaps we have here a reverse of the old adage, we should pay more attention to the individual trees in the forest rather than the forest itself.

(2) From the discussions I have overheard at staff meetings, it does seem that the Board has become more of an investigative body and, in fact, another oversight committee. PFIAB, like HPSCI and SSCI, are charged with looking at the Intelligence Community, but both seem to derive their pleasures from overseeing CIA. What are the other agencies doing right and we doing wrong?

(3) Probably what is needed most in PFIAB is guidance from the individual "they are advising," the President. One way for this guidance to be provided would be for the DCI, as head of the Intelligence Community, to submit to the NSC for concurrence and the President for approval, an annual agenda for PFIAB. This agenda should focus on collection requirements and not at IG issues. It should outline areas that are contained in the big picture to keep them from wallowing in trivia. They should be the conscience of the IC Staff. We believe this would help the system. Today they make up their own agenda which is wrong. It should be provided by the President.

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[redacted]
Harry E. Fitzwater

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101- 06201/84

30 October 1984

NOTE FOR: Executive Director

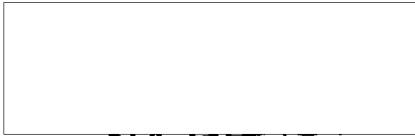
FROM: Associate Deputy Director for Intelligence

SUBJECT: Papers on Agency Relationships with PFIAB and the Congress and
on CIA Retirement Program*Jim*PFIAB and Congress

I have no disagreement with your description of the problem. We are at a significant disadvantage in dealing with Congress and a strong case can be made that our relations will become less and less constructive and that oversight will fall prey to criticism of Administration policies. At the same time, I don't see much hope for the approach you describe. An independent PFIAB accepted by Congress seems too hard. Also, it doesn't seem to be a propitious time to try to institute such a mechanism. I think it is very unlikely that Congress would give up its direct role in oversight. It seems to me it is possible to think of some other mechanism for the advocacy, approval, and defense of covert action. That is an area where it would be useful to surround the Agency with some defenders and advocates for particular programs.

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Director
10/31/84*

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Richard J. KerrC1 By Signer
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101- 06201/84

30 October 1984

NOTE FOR: Executive Director

FROM: Associate Deputy Director for Intelligence

SUBJECT: Papers on Agency Relationships with PFIAB and the Congress and
on CIA Retirement Program


Tim

PFIAB and Congress

I have no disagreement with your description of the problem. We are at a significant disadvantage in dealing with Congress and a strong case can be made that our relations will become less and less constructive and that oversight will fall prey to criticism of Administration policies. At the same time, I don't see much hope for the approach you describe. An independent PFIAB accepted by Congress seems too hard. Also, it doesn't seem to be a propitious time to try to institute such a mechanism. I think it is very unlikely that Congress would give up its direct role in oversight. It seems to me it is possible to think of some other mechanism for the advocacy, approval, and defense of covert action. That is an area where it would be useful to surround the Agency with some defenders and advocates for particular programs.

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the
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Richard J. Kerr

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1 NOV 1984

MEMORANDUM FOR: Clair E. George
Deputy Director for Operations

FROM: [REDACTED] 25X1
Chief, Evaluation and Plans Staff

SUBJECT: Congressional Oversight

1. We have again been asked by Jim Taylor to comment on the subject of the current system for Congressional oversight. As you may recall, we earlier sent you some suggestions for improvements, especially the need for a focal point in HPSCI and SSCI to screen inquiries coming to the Agency.

2. Before a new or revamped system is discussed, I believe that it would be useful for OLL, OGC, or a combination of both to clearly spell out just what we are legally required to provide the Oversight Committees. As is obvious from the Committees' directions on the FY 85 budget, Congress is asking for more and more detail and we are unsure how much we must give.

3. No matter what ultimately is decided, it would help us immeasurably in the Directorate if

- the DCI, DDCI, and OLL did more to respond personally at hearings on the Hill. Too much time is being spent by Division and Task Force Chiefs defending or explaining this or that program/operation/tactic, and they do not now have enough time to run the programs they are supposed to be managing. In addition, they are too often talked down to whereas the DCI or DDCI would be less likely to receive that treatment.

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Central Intelligence Agency
Office of the Deputy Director for Science & Technology

1 November 1984

NOTE FOR: ExDir

FROM: ADD/S&T

Jim:

Regarding your note of 25 October on the latest ideas on our relationship with Congress, two thoughts:

° First, I agree with John Stein's position. It would be a mistake to set up additional Community organizations for the conduct of covert action and/or paramilitary activities. That division of effort would compound the policy problems we now have with Congress on these activities by adding potential management disconnects within the Executive Branch. It should be noted, however, that the "executor only" role of the Agency should not be strictly passive. That is, if we wait for DoD or State advocacy on a given action, we may find ourselves commissioned to execute the impossible. We need to be involved early enough to modulate proposals with the art-of-the-possible.

° Second point is that concentrating oversight authority in the Executive Branch is highly desirable, but whether it is reasonable to expect depends upon the composition of the next Congress or a Supreme Court ruling on the separation of powers regarding foreign policy in general. I am lukewarm about the advantage to be gained by publicly tabling such a proposal.

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